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|--|-------------|----------------------|---------------------|------------------|
| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/773,370   | 02/06/2004  | Robert M. Schumscher | 8285-670            | 1908             |
| 757  | 7590        | 02/20/2009           | EXAMINER            |                  |
| BRINKS HOFER GILSON & LIONE<br>P.O. BOX 10395<br>CHICAGO, IL 60610 |             |                      | CAMPBELL, JOSHUA D  |                  |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                       |  |
|------------------------------|---------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/773,370  | <b>Applicant(s)</b><br>SCHUMACHER ET AL. |
|                              | <b>Examiner</b><br>JOSHUA D. CAMPBELL | <b>Art Unit</b><br>2178                  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on **24 November 2008**.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) **65-96** is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) **65-96** is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/02505)  
Paper No(s)/Mail Date 1/30/2008

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. This action is responsive to communications: Request for reconsideration on 11/24/2008.
2. Claims 65-96 are pending in this case. Claims 65 and 73 are independent claims.
3. The rejection of claims 81-84 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement has been withdrawn.
4. The rejection of Claims 65-96 are rejected under 35 U.S.C. 103(a) as being unpatentable over DynaText (as shown by "EBT Workshop Description: Introduction to Electronic Publishing with DynaTag and DynaText," cited by applicant as being available October 20, 1995, found in the IDS filed on 12/20/2006) in view of Swonk (US Patent Number 5,867,729, issued February 2, 1999) has been withdrawn, a new grounds of rejection has been applied.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 65-96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ernst ("Using Netscape" published in 1995) in view of Swonk (US Patent Number 5,867,729, issued February 2, 1999).

**Regarding independent claim 65**, Ernst discloses displaying a first portion of web information when a first selection is made (bookmark) and displaying a second portion of web information when a second selection is made (pages 63-64, "Jump to pages you've marked with bookmarks" of Ernst). Ernst does not disclose that the selection is made by pressing a first button and a second button respectively. However, Swonk discloses the ability to bind functions (such as the navigation function provided by the bookmarks of Ernst) to the Function Key combinations (i.e. F1-F12) on a keyboard, thus allowing specific functions to be performed when the user presses the keys that the functions have been assigned to (Figure 4 and column 10, lines 22-54 of Swonk). Swonk discloses that the Function Key combinations may all have different functions bound to them (in the case of the Ernst, different bookmarks) (Figure 4 and column 10, lines 22-54 of Swonk). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Ernst with

the teachings of Swonk because it would have allowed for increased usability for users with no pointing device available.

**Regarding dependent claim 66**, Ernst does not explicitly disclose that performing of said functions are a result of the user pressing keys corresponding to the search functions or that the keys are arranged in a row. However, Swonk discloses the ability to bind functions (such as the navigation function provided by the bookmarks of Ernst) to the Function Key combinations (i.e. F1-F12) on a keyboard, thus allowing specific functions to be performed when the user presses the keys that the functions have been assigned to (Figure 4 and column 10, lines 22-54 of Swonk). Swonk discloses that the Function Key combinations may all have different functions bound to them (in the case of the Ernst, different bookmarks) (Figure 4 and column 10, lines 22-54 of Swonk). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Ernst with the teachings of Swonk because it would have allowed for increased usability for users with no pointing device available.

**Regarding dependent claims 67-70**, Ernst discloses before the selections are received associating first and second portions of web information with first and second selectable navigation functions with the exclusion of other web information (pages 62-63, "Adding Bookmarks" of Ernst). Ernst discloses that when the first and second portions of information are displayed they are displayed irrespective of a relationship with whatever web information is displayed in the window when the selection is received (pages 63-64, "Jump to pages you've marked with bookmarks" of Ernst). However,

Swonk discloses the ability to bind functions (such as the navigation function provided by the bookmarks of Ernst) to the Function Key combinations (i.e. F1-F12) on a keyboard, thus allowing specific functions to be performed when the user presses the keys that the functions have been assigned to (Figure 4 and column 10, lines 22-54 of Swonk). Swonk discloses that the Function Key combinations may all have different functions bound to them (in the case of the Ernst, different bookmarks) (Figure 4 and column 10, lines 22-54 of Swonk). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Ernst with the teachings of Swonk because it would have allowed for increased usability for users with no pointing device available.

**Regarding dependent claims 71 and 72,** Ernst teaches using Netscape which is installed and used on a computer with a mass storage device (to store the program and bookmarks) and display (for the user to view the documents) (pages 61-62, "Keeping a Map with Bookmarks" of Ernst).

**Regarding dependent claims 81 and 83,** Ernst discloses the use of bookmark navigation which operates independently of scroll functionality for portions of web information that are not part of a larger scrollable portion of information (pages 63-64, "Jump to pages you've marked with bookmarks" of Ernst). Ernst does not explicitly disclose that performing of said functions as a result of the user pressing keys corresponding to the search functions. However, Swonk discloses the ability to bind functions (such as the navigation function provided by the bookmarks of Ernst) to the Function Key combinations (i.e. F1-F12) on a keyboard, thus allowing specific functions

to be performed when the user presses the keys that the functions have been assigned to (Figure 4 and column 10, lines 22-54 of Swonk). Swonk discloses that the Function Key combinations may all have different functions bound to them (in the case of the Ernst, different bookmarks) (Figure 4 and column 10, lines 22-54 of Swonk). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Ernst with the teachings of Swonk because it would have allowed for increased usability for users with no pointing device available.

**Regarding dependent claims 85-87,** Ernst discloses displaying a first portion of web information when a first selection is made (bookmark) and displaying a second portion of web information when a second selection is made the web information being defined by data (URL) (pages 63-64, "Jump to pages you've marked with bookmarks" of Ernst). Ernst discloses that when the selection is made of a bookmark a search for the URL, which comprises both characters and symbols, is initiated to locate and access the web information (pages 63-64, "Jump to pages you've marked with bookmarks" and example of URL on page 62 of Ernst). Ernst does not disclose that the selection is made by pressing a first button and a second button respectively. However, Swonk discloses the ability to bind functions (such as the navigation function provided by the bookmarks of Ernst) to the Function Key combinations (i.e. F1-F12) on a keyboard, thus allowing specific functions to be performed when the user presses the keys that the functions have been assigned to (Figure 4 and column 10, lines 22-54 of Swonk). Swonk discloses that the Function Key combinations may all have different functions bound to them (in the case of the Ernst, different bookmarks) (Figure 4 and column 10,

lines 22-54 of Swonk). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Ernst with the teachings of Swonk because it would have allowed for increased usability for users with no pointing device available.

**Regarding dependent claims 91, 92, and 95,** Ernst does not explicitly disclose that performing of said functions as a result of the user pressing keys corresponding to the search functions or that the keys are arranged in a row. However, Swonk discloses the ability to bind functions (such as the navigation function provided by the bookmarks of Ernst) to the Function Key combinations (i.e. F1-F12) on a keyboard, thus allowing specific functions to be performed when the user presses the keys that the functions have been assigned to (Figure 4 and column 10, lines 22-54 of Swonk). Swonk discloses that the Function Key combinations may all have different functions bound to them (in the case of the Ernst, different bookmarks) (Figure 4 and column 10, lines 22-54 of Swonk). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Ernst with the teachings of Swonk because it would have allowed for increased usability for users with no pointing device available.

**Regarding independent claim 73 and dependent claims 74-80, 82, 84, 88-90, 93, 94, and 96,** the claims incorporate substantially similar subject matter as claims 65-72, 81, 83, 85-87, 91, 92, and 95. Thus, the claims are rejected along the same rationale as claims 65-72, 81, 83, 85-87, 91, 92, and 95.

***Response to Arguments***

8. Applicant's arguments with respect to claims 65-96 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA D. CAMPBELL whose telephone number is (571)272-4133. The examiner can normally be reached on M-F (7:30 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joshua D Campbell/  
Primary Examiner, Art Unit 2178  
February 13, 2009